

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FLEX-N-GATE CORP., an  
Illinois corporation,

Plaintiff,

08-CV-02502 (LLS)

-against-

NOTICE OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE

GERHARD WEGEN, a citizen of  
Germany,

Defendant.

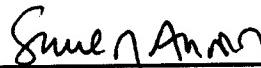
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PLEASE TAKE NOTICE that, upon the Affidavit of Samuel J. Abate Jr., sworn

to April 29, 2008 and the Certificate of Good Standing annexed thereto, Plaintiff Flex-N-Gate Corporation will move this Court before the Honorable Louis L. Stanton, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rule 13 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, allowing the admission of David D. Murphy, a member of the law firm of Pepper Hamilton LLP and a member in good standing of the Bar of the State of Michigan, as attorney to the bar of this Court *pro hac vice* to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against Mr. Murphy in any state or federal court.

Dated: New York, New York  
April 29, 2008

Respectfully submitted,



Samuel J. Abate, Jr. (SA 0915)  
PEPPER HAMILTON, LLP  
Attorneys for Plaintiff  
The New York Times Building  
620 Eighth Avenue  
New York, New York 10018-1405  
(212) 808-2700

APR 29 2008  
COURT  
CLERK  
SOUTHERN DISTRICT OF NEW YORK  
NEW YORK, NY  
10007

TO: Prof. Dr. Gerhard Wegen, LL.M.  
Gleiss Lutz Rechtsanwalte  
Maybachstr. 6  
70469 Stuttgart  
Germany

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FLEX-N-GATE CORP., an  
Illinois corporation,

Plaintiff,

08-CV-02502 (LLS)

-against-

AFFIDAVIT

GERHARD WEGEN, a citizen of  
Germany,

Defendant.

-----X

STATE OF NEW YORK      )  
                              ) ss:  
COUNTY OF NEW YORK    )

SAMUEL J. ABATE, JR., being duly sworn, hereby deposes and says as follows:

1. I am an attorney admitted to practice in the State of New York and before this Court. I am a partner with the law firm of Pepper Hamilton LLP, counsel for Plaintiff in the above-captioned matter.

2. I make this Affidavit in support of the motion for the admission of David D. Murphy to practice *pro hac vice* in the above-captioned matter.

3. Mr. Murphy is a partner with our law firm, Pepper Hamilton LLP, at 100 Renaissance Center Suite 3600, Detroit, Michigan 48243. As shown in the Certificate of Good Standing annexed to this Affidavit as Exhibit A, Mr. Murphy is a member in good standing of the Bar of the State of Michigan, admitted December 12, 1973.

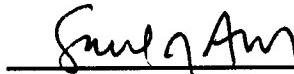
4. Mr. Murphy is also admitted to practice before the following federal courts: Eastern District of Michigan (12/19/73), Western District of Michigan (7/12/85), 6<sup>th</sup>

Circuit Court of Appeals (8/10/87), 3<sup>rd</sup> Circuit Court of Appeals (4/18/95) and the U.S. Supreme Court (9/10/93).

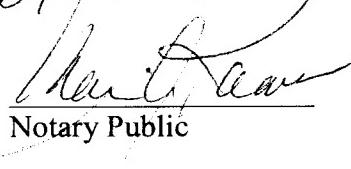
5. There are no pending disciplinary proceedings against Mr. Murphy in any State or Federal Court.

6. Service of process of the Summons and Complaint has not yet been effected upon defendant, who resides in Germany, in accordance with the Hague Convention, but a copy of these papers will be mailed to him.

7. It is respectfully requested that the Court grant the motion for an order permitting David D. Murphy to appear in this action as counsel for Plaintiff for all purposes *pro hac vice*. A proposed order for Mr. Murphy's admission *pro hac vice* is appended hereto.

  
\_\_\_\_\_  
SAMUEL J. ABATE, JR.

Sworn to before me this  
29<sup>th</sup> day of April, 2008.

  
\_\_\_\_\_  
Notary Public

MARIE A. RAMOS  
NOTARY PUBLIC, State of New York  
No. 01RA5038297  
Qualified in Bronx County  
Certificate Filed in New York County  
Commission Expires Jan. 23, 2011

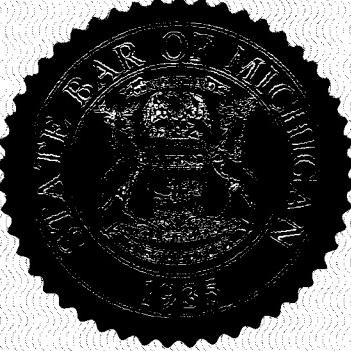
# State Bar of Michigan

## Certificate of Good Standing



This certifies that David D. Murphy, P22980 of Detroit, Michigan is an active member of the State Bar of Michigan in good standing. He was admitted to practice in Michigan on December 19, 1973 in Wayne County and became a member of the State Bar of Michigan on December 19, 1973.

  
Janet K. Welch  
Executive Director  
April 21, 2008



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

FLEX-N-GATE CORP., an  
Illinois corporation,

Plaintiff,

08-CV-02502 (LLS)

-against-

GERHARD WEGEN, a citizen of  
Germany,

ORDER FOR ADMISSION  
*PRO HAC VICE*  
ON WRITTEN MOTION

Defendant.

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Upon the motion of Samuel J. Abate, Jr. attorney for Plaintiff Flex-N-Gate Corporation and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

David D. Murphy  
Pepper Hamilton LLP  
100 Renaissance Center Suite 3600  
Detroit, Michigan 48243  
(313) 393-7317 / (313) 259-7926 (Fax)  
murphyd@pepperlaw.com

is admitted to practice *pro hac vice* as counsel for Plaintiff Flex-N-Gate Corporation in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:

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Honorable Louis L. Stanton  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

FLEX-N-GATE CORPORATION, an  
Illinois corporation,

Case No. 08-CV-2502 (LLS)

Plaintiff,

vs.

AFFIDAVIT OF SERVICE

GERHARD WEGEN, a citizen of  
Germany,

Defendant.

-----X

STATE OF NEW YORK )  
                          )ss.:  
COUNTY OF NEW YORK )

The undersigned, being duly sworn, deposes and says that she is over the age of 18 years, and is not a party to this action.

That, on the 29<sup>th</sup> day of April, 2008, she caused to be served the within NOTICE OF MOTION TO ADMIT COUNSEL *PRO HAC VICE*, and the AFFIDAVIT OF SAMUEL J. ABATE, Jr., by first class mail upon:

Prof. Dr. Gerhard Wegen, LL.M.  
Gleiss Lutz Rechtsanwalte  
Maybachst. 6  
70469 Stuttgart  
Germany

the addresses having been designated by said attorneys for that purpose, by depositing a true copy of same, securely enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service.

Bridget Casey  
Bridget Casey

Sworn to before me this  
29<sup>th</sup> day of April, 2008

Marie A. Ramos  
Notary Public

MARIE A. RAMOS  
NOTARY PUBLIC, State of New York  
No. 01RA5038297  
Qualified in Bronx County  
Certificate Filed in New York County  
Commission Expires Jan. 23, 2011